

**PATENT****REMARKS**

Claims 9 and 10 are cancelled without prejudice and new claims 11-13 are added.

The Examiner has rejected claims 9 and 10 under section 102(e) as being anticipated by Keashly et al (U.S. 6,330,289). Examiner has made several comments while rejecting the claims 9 and 10. Applicants have reviewed the comments and generally disagree with the Examiner. Without repeating the Examiner comments, Applicants believe the Examiner has not provided adequate support for a rejection under section 102(e) for which Keashly does not disclose each and every element of the claimed invention. For example, Examiner does not address or mention the limitation of the claim(s) relating to the time offset being determined by a possible set of offsets is used by a lowest number of waveforms, nor the Applicants believe Keashly discloses such a limitation.

In this regard, Applicants have decided to rewrite the claims in the form of new claims 11-13 to clarify the claimed invention. Applicants note that a rejection under section 102 requires that the reference disclose each and every element of the claimed invention. For example in case of claim 11, and similarly claim 13, a method for limiting peak transmit power of a signal being transmitted from a transmitter in a wireless communication system when a new waveform is being added to a plurality of waveforms in the signal is claimed. The method is comprising of selecting a time offset for the new waveform by determining which of a possible set of offsets is being used by a lowest number of waveforms in the plurality of waveforms. Applicants invite the Examiner to review the application as filed for support of such a limitation. Specifically, on pages 7-8 of the application as filed, Applicants describe selecting the new time offset, for the new waveform, by determining which of the possible offsets is being used by the lowest number of the existing calls (each call perhaps having one waveform). The process of determining the total transmit power at each symbol is described which is used for the optimization process. On page 8, starting at line 15, it clearly states the resulting power vectors corresponding to the possible time offsets. Furthermore, please note that a channel can be set up with the time offset that corresponds to having the peak power to average power ratio closest to one. Therefore, it is clear that the time offset of each waveform is known. As such, when

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selecting time offset for a new waveform, the selection may be based on which of a possible set of offsets is being used by a lowest number of waveforms in the plurality of waveforms.

Keashly does not disclose each and every element of the claimed invention and specifically selecting time offset for a new waveform, the selection being based on which of a possible set of offsets is being used by a lowest number of waveforms in the plurality of waveforms. As such, Keashly does not anticipate the claimed invention

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**PATENT****REQUEST FOR ALLOWANCE**

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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